

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

BERNADINE GILPIN,

No. CV05-427-ST

Plaintiff,

OPINION AND ORDER

v.

LAWRENCE A. SIEBERT, et al.,

Defendants.

MOSMAN, J.,

On January 25, 2006, Magistrate Judge Stewart issued Findings and Recommendation ("F&R") (#51) in the above-captioned case recommending defendants' motion for summary judgment (#29) be denied in part and granted in part. No objections were filed.

The magistrate judge only makes recommendations to the court, to which any party may file written objections. The district court is not bound by the magistrate's recommendations, but retains responsibility for making the final determination. Where objections have been made, I conduct a *de novo* review. 28 U.S.C. § 636(b)(1)(C). However, I am not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objections are made. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v.*

Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). Upon review, I agree with Judge Stewart's recommendation to DENY IN PART AND GRANT IN PART defendants' motion for summary judgment (#29), and I ADOPT the F&R as my own opinion.

IT IS SO ORDERED.

DATED this 7th day of March, 2006.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court